

REMARKS

Claims 1-3 and 5-7 remain in this application. Claims 1-3 and 5-7 are rejected. Claims 1 and 5-7 are amended herein to clarify the invention.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

Applicants acknowledge the requirement by the Examiner to file formal drawings at the time of allowance.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Junkin (US 5,860,862). Applicant herein respectfully traverses these rejections.

For a rejection to be sustained under § 102(b) each and every element of the claimed invention must be disclosed in the cited prior art reference. It is respectfully submitted that the cited reference fails to disclose at least the following features and elements of the present invention as noted herein.

Claims 1 and 5-7 are amended according to the Examiner's suggestion, and now positively recite that two game apparatuses are in direct physical linkage with one another. This feature allows the users to transact between themselves without a central server to manage the transaction. Furthermore, as previously noted by applicant, the situation of selection of the game element can be displayed at the same time on both display devices. One is the display device of the second game machine

for the user to select and acquire the game element, and another is the display device of the first game machine for the user to deliver one of his/her game elements.

In sharp contrast, Junkin discloses a central computer as a requisite element (see, for example, Fig. 1A and 1B). Because, the trade is always conducted between the central computer and the interactive device, which is operated by a user (central controller), the trade in Junkin is one between the central computer and the interactive device. Junkin, therefore, fails to disclose and teach a trade which can be conducted directly between the interactive devices of the users.

In addition, contrary to the Examiner's stated opinion, it remains applicant's position that Junkin fails to disclose the synchronous display between the users to show the situation of the transaction. Since each user of the interactive devices can transact with the central server at any time, the transaction between the users is not conducted at the same time. Moreover, as only the central computer manages the transaction (see col. 6, lines 13-36), the user does not transact anything with the central computer. Therefore, nothing in the reference could possibly teach or suggest synchronous displays having a common experience between the central computer and the interactive device.

The Examiner states that he is of the position that adding a recitation directed to the game apparatuses being in "direct physical linkage," as has been done, would still not define over the disclosure of Junkin, since "Applicant's specification details that the game machines can either use a direct physical link or a pseudo direct link

for communication in an equivalent sense for trading game elements.” Applicant respectfully traverses this line of reasoning, and argues that it is the claims themselves, and the precise language recited thereby, that alone define the metes and bounds of the invention, and what may be alleged as broadly disclosed in the written description is irrelevant to the determination of novelty or patentability. Applicant submits that the determination of anticipation should properly hinge solely on the language of the claim itself and, in the present instance, such language is unambiguous in requiring a “direct physical linkage” between the apparatuses, a feature not taught by the cited reference. The claims as amended do not define the nature of the linkage between the game machines using means-plus-function format or a similar recitation which might possibly broadly include functional equivalents, but rather using unequivocal language having a precise meaning which expressly excludes the type of connection via a central server to which the disclosure of Junkin is sharply limited.

Claims 1 and 5-7 are amended and particularly describe and distinctly claim elements not disclosed in the cited reference. Claims 2 and 3 depend from claim 1, and therefore also include the element of claim 1 missing from the cited reference. Therefore, reconsideration of the rejections of claims 1-3 and 5-7 and their allowance are respectfully requested.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By Frank J. Jordan by:
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicant

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

Janney & Thiele
Reg No. 36,049